

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ELIJAH BURKE SWALLOW	§	
VS.	§	CIVIL ACTION NO. 1:20cv491
ROD CARROLL, ET AL.	§	

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Elijah Burke Swallow, an inmate confined within the Texas Department of Criminal Justice, proceeding *pro se*, filed the above-styled civil rights action pursuant to 42 U.S.C. § 1983.

The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that two motions for default judgment filed by plaintiff be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

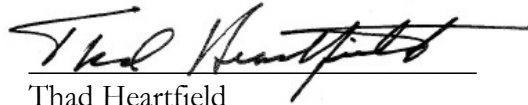
The court must therefore conduct a *de novo* review of the objections in light of the applicable law. After careful consideration, the court is of the opinion the objections are without merit. Plaintiff provided addresses at which the defendants could be served. Service upon the defendants has been attempted by the United States Marshal Service. However, the defendants are no longer at the addresses given to the court by plaintiff. In the absence of proper service, the defendants are not in default.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as

the opinion of the court. The motions for default judgment (doc. nos. 8 and 10) are **DENIED**.

SIGNED this the **2** day of **August**, 2021.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge